

ORDINANCE NO. 12
SERIES 2010

AN ORDINANCE APPROVING A MAJOR CHANGE TO INCREASE THE ALLOWED FLOOR AREA IN THE GUNNISON RISING PUD GOVERNMENT DISTRICT, A PREVIOUSLY APPROVED PUD, CONSISTING OF A TRACT OF LAND SITUATED IN SECTION 1, TOWNSHIP 49 NORTH, RANGE 1 WEST; SECTION 36, TOWNSHIP 50 NORTH, RANGE 1 WEST; SECTIONS 5 & 6, TOWNSHIP 49 NORTH; AND, SECTIONS 30 & 31, TOWNSHIP 50 NORTH, RANGE 1 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED IN EXHIBIT A

WHEREAS, Section 15.150.070.F.1 (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 15.150.030 (Procedures) of the *City of Gunnison Land Development Code*, and

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a major change to an existing PUD; and

WHEREAS, Gunnison Valley Partners, LLC, as owner of the property, stated for the record during the public hearing, their support to increase the allowed floor area in the Gunnison Rising PUD Government (GOV) district; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Municipal Code* of the City of Gunnison, Colorado, on November 10, 2010; and

WHEREAS, Section 15.60.060 of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zone district amendment and approval may only occur if the application meets the majority of the PUD Purposes (Section 15.60.060.A), all PUD Standards (15.60.060.C) and all Review Standards for Map Amendments (Section 15.150.060); and

WHEREAS, on November 10, 2010 the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments, and recommended approval of the PUD Major Change application to the City Council based on findings of established through the proceedings record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD on December 14, 2010;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Based upon the application seeking rezoning of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a major change to the previously approved PUD on the property hereinafter described, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That the *Gunnison Rising PUD Development Standards* (November 2009) were previously approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.
- B. That the request is to amend Table 2.1 (PUD Zoning, Land Use, Dwelling Units and Non-Residential Allocations) Table 11.2 (GOV District Dimensional Standards) and Table A.1 (Development Phasing), allowing the aggregate floor area for all buildings in the Government district up to 70,000 square feet. Table A.1 is amended to allow 37,058 square feet in Phase I and 32,942 square feet in Phase III within the Government district.

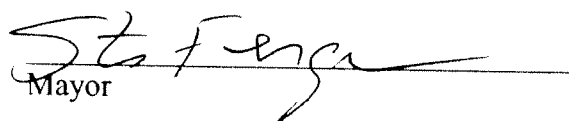
- C. That the requested change is consistent with the *Master Plan* of the City of Gunnison, in that it satisfies the intent of the *Master Plan* "...to preserve and enhance the quality of life which makes Gunnison unique and attractive. Residential, commercial and industrial land uses are appropriately located and interspersed with parks and open space, providing a balanced environment in which to live, work and play." The Discovery Center will be a major capital investment by the CDOW and will add basic sector employment, provide community education and will be a major contributor to increased tourism.
- D. That the proposed use is consistent with the purposes of the zone district in which the property is located in that a PUD allows the opportunity to provide a mix of uses in a single coordinated facility.
- E. That the application meets the majority of the PUD Purposes (Section 15.60.060.A), all PUD Standards (15.60.060.C) and all Review Standards for Map Amendments (Section 15.150.060), and the proposed changes are consistent with the original intent of the PUD previously approved.
- F. That the increase of allowed aggregate floor area could have a slight traffic impact of up to 80 additional trips per day. Although the Level of Service on Highway 50 will not be significantly affected the lane geometry to access the GOV district may need to be more elaborate to accommodate additional traffic.
- G. That the CDOW *Outdoor Discovery Center Master Plan* (June 2010) proposes building facilities of approximately 30,000 square feet in aggregate floor area on a nine acre site within the GOV district.
- H. That the 17 acre Government district site is adequately sized to accommodate the proposed 70,000 square feet of aggregate floor area.
- I. That community benefits are increased as a result of this Major Change because the CDOW Outdoor Discovery Center and other future government facilities will provide employment opportunities, community education opportunities, serve to promote tourism in the City, and the facility design will help to enhance the City's entrance.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the Major Change to the previously approved PUD on the property herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. That the Major Change to the PUD and the previously approved PUD, as described in Section 1, subparagraph B, is hereby approved and shall be amended in the *Gunnison Rising PUD Development Standards* (November, 2009).

Section 4. That the legal description of the real property which comprises said PUD is as set forth in Exhibit A, attached hereto and incorporated herein by this reference, located in the City of Gunnison, County of Gunnison, State of Colorado.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 14th day of December, 2010, on first reading, and introduced, read, and adopted on second and final reading this 28th day of December, 2010.


Mayor

(SEAL)

ATTEST:

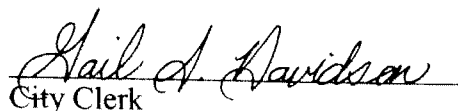

City Clerk

EXHIBIT A

Overall PUD Zoning Description:

A tract of land situated in Section 1, Township 49 North, Range 1 West, Section 36, Township 50 North, Range 1 West, Sections 5 & 6, Township 49 North and Sections 30 & 31, Township 50 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

Beginning at the E $\frac{1}{4}$ corner of said Section 31; Thence S 00°23'38" W 1324.57 Ft. to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 89°43'41" W 1339.66 Ft. to the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 00°06'24" W 1364.37 Ft. to the South Right-of-Way of U.S. Highway 50; Thence N 89°47'13" E 1335.75 Ft. along said South Right-of-Way; Thence N 89°46'08" E 2629.52 Ft. along said South Right-of-Way to a curve; Thence 568.43 Ft. along the arc of a curve to the right along said South Right-of-Way having a radius of 1382.50 Ft., a central angle of 23°33'29" and a chord of S 80°51'50" E 564.44 Ft. to a reverse curve; Thence 897.91 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1005.00 Ft., a central angle of 51°11'25" and a chord of S 83°46'55" E 868.34 Ft. to a compound curve; Thence 278.27 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1980.00 Ft. a central angle of 08°03'09" and a chord of N 83°10'10" E 278.04 Ft.; Thence S 67°42'16" W 53.30 Ft.; Thence S 40°54'57" W 145.71 Ft.; Thence S 23°32'39" W 126.67 Ft.; Thence S 04°53'25" E 223.24 Ft.; Thence S 03°24'52" W 398.71 Ft.; Thence S 85°33'42" W 700.92 Ft.; Thence N 66°21'06" W 93.44 Ft.; Thence N 58°06'04" W 191.98 Ft.; Thence S 68°05'02" W 44.26 Ft.; Thence N 85°52'10" W 94.86 Ft.; Thence N 48°17'08" W 297.80 Ft.; Thence S 89°20'32" W 198.37 Ft.; Thence S 57°04'57" W 163.61 Ft.; Thence S 31°48'25" W 68.93 Ft.; Thence N 74°42'38" W 467.51 Ft.; Thence S 73°08'43" W 414.66 Ft.; Thence N 60°44'16" W 376.57 Ft.; Thence S 85°00'41" W 740.78 Ft.; Thence S 86°55'49" W 1238.95 Ft.; Thence S 86°09'44" W 1447.72 Ft.; Thence S 07°27'36" W 470.05 Ft.; Thence S 61°10'21" W 472.51 Ft.; Thence N 01°10'36" W 131.32 Ft.; Thence S 89°46'10" W 704.62 Ft. to a Point on the East boundary of the Gunnison County Airport Property Conveyed to Gunnison County by court order, recorded May 29, 2002 at reception number 520716; Thence N 16°24'30" W 1182.48 Ft. along said Airport Boundary; Thence S 73°35'30" W 2887.24 Ft. along said Airport Boundary to the West line of Government Lot 1 of said Section 1;

Thence N 00°08'15" W 637.48 Ft. along the West line of Government Lot 1 of said Section 1 to the Southerly line of the Pioneer Society Addition to the City of Gunnison; Thence N 59°40'00" E 992.74 Ft. along said Addition to the South Right-of-Way of U.S. Highway 50; Thence N 89°45'50" E 31.74 Ft. along said South Right-of-Way; Thence N 00°14'10" W 10.00 Ft. along said South Right-of-Way; Thence N 89°45'50" E 422.59 Ft. along said South Right-of-Way; Thence N 00°19'28" E 199.26 Ft. to the South line of the Wilson Subdivision; Thence N 89°44'13" E 298.29 Ft. to the Southeast corner of said Subdivision; Thence N 00°24'42" E 749.87 Ft. to the Northeast corner of said Subdivision; Thence S 90°00'00" W 665.54 Ft. to the Northwest corner of said Subdivision; Thence N 00°20'16" E 160.44 Ft. to the North line of the Western State College tract of land described in Book 592 Page 374, Gunnison County Records; Thence S 89°59'20" W 354.96 Ft. to the Northwest corner of said tract of land; Thence N 00°20'16" E 573.73 Ft. to the Northwest corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 36; Thence N 89°59'34" E 723.64 Ft. to the East line of said Section 36; Thence N 00°25'34" E 998.76 Ft. to the East $\frac{1}{4}$ corner of said Section 36; Thence N 00°16'22" W 1408.93 Ft. to a point on the West line of Section 31; Thence S 53°25'47" E 1135.40 Ft.; Thence S 89°58'56" E 366.73 Ft.; Thence N 00°33'12" W 1911.81 Ft. to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31; Thence N 22°23'07" E 572.25 Ft.; Thence S 88°48'33" E 267.61 Ft.; Thence S 21°46'27" E 386.90 Ft.; Thence S 10°59'31" E 483.90 Ft.; Thence S 29°21'37" E 1146.79 Ft. to the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31; Thence N 89°39'15" E 820.64 Ft.; Thence S 35°58'54" E 582.64 Ft.; N 89°39'15" E 536.57 Ft.; Thence S 35°50'18" E 1042.33 Ft.; Thence N 89°41'54" E 272.84 Ft. to the Point of Beginning containing 636.91 Acres, more or less.